

# SMALL CLAIMS MEDIATION INFORMATION SHEET

## **What is Small Claims Court?**

Small Claims court is a special civil court where people can have their disputes resolved quickly and inexpensively. The rules are simple and informal. You may ask a lawyer for advice before you go to court, but a lawyer is not allowed to represent you in court.

Generally claims are limited to \$5,000. However, an individual may claim up to \$7,500. Corporations, partnerships governmental entities and other legal entities cannot claim more than \$5,000. You can file as many claims as you want for up to \$2,500 each in a year. But you can only file two claims a year that demand more than \$2,500.

For more information on Small Claims Court, [click here](#)

## **What is Small Claims Mediation?**

Mediation is an opportunity to work out an agreement without going through a public court hearing. A trained, neutral mediator listens to all sides in private and helps them work out an agreement that is fair to everyone. Mediation is not the time to prove who is right or wrong. Instead, it is the time to settle the case and avoid the risks and uncertainty of trial. At trial, the judge controls the outcome and may – or may not – see the facts, evidence and law the way you do. You could lose, win, or win less than you think you deserve.

In Riverside County, the court strongly encourages people to resolve their disputes before their Small Claims hearing. Free mediation services are available before or after one side files a claim against another person in Small Claims Court. Also, before starting the Small Claims hearing, the court usually asks both sides to meet with a mediator at the courthouse.

## **How much does Small Claims mediation cost?**

[Community Action Partnership \(CAP\)](#) provides free or very low cost mediation services by contract with Riverside County pursuant to the Dispute Resolution Program Act (DRPA).

Day of Small Claims Court hearing: No cost.

Before the day of hearing: No cost or very low cost, depending on party eligibility.

## **How do I schedule a mediation session?**

Before a claim is filed or before the hearing date: Contact the [Community Action Partnership \(CAP\)](#)

Hearing date: CAP mediators are present at Riverside County Small Claims courts. The court will ask parties to meet with a mediator before presenting their cases in court. There is no need to pre-schedule a mediation that takes place on your hearing date.

## **What if the opposing party won't agree to mediation or what if I don't want to contact him/her to schedule mediation?**

Contact [CAP](#) for assistance. If it isn't possible to schedule a mediation session before the court hearing, the court will ask both parties to meet with the mediator before the hearing starts at court.

## **When is mediation the wrong choice?**

Mediation may not be appropriate or effective if one side is much more powerful than the other, or if there is a history of abuse or victimization by one party against the other.

## **What if I need an interpreter?**

The court does not generally provide interpreters for Small Claims mediations, so it is your responsibility to bring a responsible person who can interpret during the mediation. You may ask the court clerk and your mediator if a court interpreter is available, but court interpreters are usually not available for Small Claims mediations.

### **How long does mediation last?**

Small Claims mediations at the courthouse on the hearing date usually take about 20 – 45 minutes. Small Claims mediations before the hearing date can last from 30 minutes to 2 hours, depending on the needs of the parties.

### **Can the mediator tell the judge what happened during the mediation?**

No. California law requires Small Claims mediators to uphold mediation confidentiality.

### **What happens if the parties reach an agreement in mediation?**

If the parties settle the case at court on the day of hearing, they simply tell the judge what the settlement agreement is and ask the judge to issue any necessary orders.

### **What happens if the parties cannot reach an agreement in mediation?**

The parties report to the courtroom and present their case as if there had been no mediation.

### **How should I prepare for mediation?**

Preparing for mediation is different from preparing for trial. Why?

Mediators do not decide the outcome. Instead, they listen carefully to everyone's concerns and help them find an agreement that works for everyone. That agreement might not be 100% perfect, but it avoids the uncertainties and risks of what could happen at trial. And, usually people are more likely to keep agreements that they, themselves, helped create.

Mediation gives both sides the chance to listen to each other, to see the situation in a new way, and to reach individualized agreements that a judge could not order but that fit your unique case.

Therefore, take these steps to prepare for an effective mediation:

1. Practice telling your story in a short, simple and clear way. Why are you suing or being sued? What are the 3 -4 most important main points?
2. Organize and bring all the papers and materials that support your main points.
3. Think about what the other side will be saying. Is he/she 100% wrong? Are you 100% right? If the case does not settle, what is the best outcome you could hope for in court? What is the worst possible outcome? Can you come up with a settlement agreement that is better than the worst possible outcome at trial?
4. Think about some possible ways to settle the case. What would be fair to you? What would be fair to the other side? What is realistic and practical? If money is owed, would a payment plan work, or a reduction in the amount owed in return for paying a smaller amount immediately? Is it realistic to expect any actual payment from the party who may owe it?
5. Be prepared to listen respectfully to the other side and to the mediator. You may certainly state your side of the situation in strong and clear language, but hostile or argumentative tactics don't work in mediation. Keep an open mind; many people are pleasantly surprised at the agreements they end up reaching with the help of a mediator.